



Attorney's Docket Number: SUV-003.04

Declaration, Petition and Power of Attorney For Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

PATCHED GENES AND USES RELATED THERETO

the specification of which was filed in the U.S. Patent and Trademark Office on 21 August 1997 and has been assigned U.S. Serial Number 08/916,140.

I do not know and do not believe that the subject matter of this application was ever known or used in the United States before my invention thereof or patented or described in any printed publication in any country before my invention thereof or more than one year prior to the date of this application, and that said subject matter has not been patented or made the subject of an issued inventor's certificate in any country foreign to the United States on an application filed by me or my legal representatives or assigns more than twelve months prior to the date of this application; that I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application, that no application for patent or inventor's certificate on the subject matter of this application has been filed by me or my representatives or assigns in any country foreign to the United States, except those identified below, and that I have reviewed and understand the contents of the specification, including the claims as amended by any amendment referred to herein.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

Check one: no such applications have been filed.
 such applications have been filed as follows

**EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

Country	Application Number	Date of Filing (month,day,year)	Priority Claimed Under 35 USC 119
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application. As to subject matter of this application which is common to my earlier United States application, if any, described below, I do not believe that the same was ever known or used in the United States before my invention thereof or patented or described in any printed publication in any country before my invention thereof or more than one year prior to said earlier application, or in public use or on sale in the United States more than one year prior to said earlier application, that the said common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of said earlier application in any country foreign to the United States on an application, filed by me or my legal representatives or assigns more than twelve months prior to said application and that no application for patent or inventor's certificate on said subject matter has been filed by me or my representatives or assigns in any country foreign to the United States except those identified herein.

08/656,055
(Application Serial No.)

31 May 1996
(Filing Date)

PENDING
(Status)
(patented, pending, aband.)

08/540,406

06 October 1995

PENDING

(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, aband.)

<u>08/319,745</u> (Application Serial No.)	<u>07 October 1994</u> (Filing Date)	<u>ABANDONED</u> (Status)
		(patented, pending, aband.)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Donald W. Muirhead	Reg. No. 33,978	Charles H. Cella	Reg. No. 38,099
Beth E. Arnold	Reg. No. 35,430	John C. Gorecki	Reg. No. 38,741
Matthew P. Vincent	Reg. No. 36,709	Edward J. Kelly	Reg. No. 38,936
Isabelle M. Clauss	Reg No. (see attached)	Sayoko Blodgett-Ford	Reg. No. 40,516

Send Correspondence to: Patent Group
Foley, Hoag & Eliot LLP
One Post Office Square
Boston, MA 02109

Direct Telephone Calls to: Matthew P. Vincent, Ph.D. (617) 832-1000

Wherefore I petition that letters patent be granted to me for the invention or discovery described and claimed in the attached specification and claims, and hereby subscribe my name to said specification and claims and to the foregoing declaration, power of attorney, and this petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor <u>Matthew P. Scott</u>	
Inventor's signature	Date
Residence <u>914 Wing Place, Stanford, CA 94035</u>	
Citizenship <u>USA</u>	
Post Office Address (if different)	



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08/656,055
(Application Serial No.)

31 May 1996
(Filing Date)

PENDING
(Status)
(patented, pending, aband.)

08/540,406

06 October 1995

PENDING

(Application Serial No.)

(Filing Date)

(Status)

(patented, pending, aband.)

08/319,745

07 October 1994

ABANDONED

(Application Serial No.)

(Filing Date)

(Status)

(patented, pending, aband.)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Donald W. Muirhead

Reg. No. 33,978

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John C. Gorecki

Reg. No. 38,741

Matthew P. Vincent

Reg. No. 36,709

Edward J. Kelly

Reg. No. 38,936

Isabelle M. Clauss

Reg No. (see attached)

Sayoko Blodgett-Ford

Reg. No. 40,516

Send Correspondence to:

Patent Group
Foley, Hoag & Eliot LLP
One Post Office Square
Boston, MA 02109

Direct Telephone Calls to: Matthew P. Vincent, Ph.D. (617) 832-1000

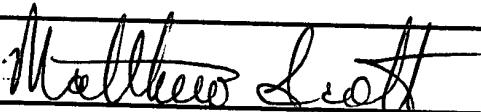
Wherefore I petition that letters patent be granted to me for the invention or discovery described and claimed in the attached specification and claims, and hereby subscribe my name to said specification and claims and to the foregoing declaration, power of attorney, and this petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor

Matthew P. Scott

Inventor's signature



Date

2-6-98

Residence

914 Wing Place, Stanford, CA 94035

Citizenship

USA

Post Office Address (if different)

Full name of second inventor
Lisa V. Goodrich

Inventor's signature



Date

2-5-98

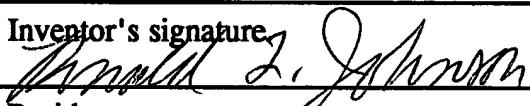
Residence
66 Newell Road, Palo Alto, CA 94303

Citizenship
USA

Post Office Address (if different)

Full name of third inventor
Ronald L. Johnson

Inventor's signature



Date

2-4-98

Residence
1528 Hudson Street, Apt. 7, Redwood City, CA 94061

Citizenship
USA

Post Office Address (if different)

Full name of fourth inventor
Ervin Epstein, Jr.

Inventor's signature

Date

Residence
553A Miner Road, Orinda, CA 94563

Citizenship
USA

Post Office Address (if different)

Full name of second inventor

Lisa V. Goodrich

Inventor's signature

Date

Residence

66 Newell Road, Palo Alto, CA 94303

Citizenship

USA

Post Office Address (if different)

Full name of third inventor

Ronald L. Johnson

Inventor's signature

Date

Residence

1528 Hudson Street, Apt. 7, Redwood City, CA 94061

Citizenship

USA

Post Office Address (if different)

Full name of fourth inventor

Ervin Epstein, Jr.

Inventor's signature

Date

1/28/78

Residence

553A Miner Road, Orinda, CA 94563

Citizenship

USA

Post Office Address (if different)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Matthew P. Scott, Lisa V. Goodrich, Ronald L. Johnson, and Ervin Epstein, Jr.

Atty Docket No.: SUV-003.04

Serial No.: 08/916,140

Filed: 21 August 1997

Title: *PATCHED GENES AND USES RELATED THERETO*

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN: Ontogeny, Inc.

ADDRESS OF SMALL BUSINESS CONCERN: 45 Moulton Street, Cambridge, MA 02138

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in the application identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention affering to their status as small entities. (37 CFR 1.27)

NAME THE BOARD OF TRUSTEES OF LEELAND STANFORD JUNIOR UNIVERSITY

ADDRESS 900 WELCH ROAD, SUITE 350, PALO ALTO, CALIFORNIA 94304-1850

INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

NAME THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

ADDRESS 300 Lakeside Drive, 22nd floor, Oakland, CA 94612

INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME/TITLE OF PERSON SIGNING: Thomas Ingolia, Senior Vice President, COO

ADDRESS OF PERSON SIGNING: 45 Moulton Street, Cambridge, MA 02138

Thomas J. Ingolia
SIGNATURE

Feb 11, 1998
DATE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicants: Matthew P. Scott, Lisa V. Goodrich, Ronald L. Johnson, and Ervin Epstein, Jr.

Atty Docket No.: SUV-003.04

Serial No.: 08/916,140

Filed: 21 August 1997

Title: *PATCHED GENES AND USES RELATED THERETO*

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(d))—NONPROFIT ORGANIZATION**

I HEREBY DECLARE THAT I AM AN OFFICIAL EMPOWERED TO ACT ON BEHALF OF THE NONPROFIT ORGANIZATION IDENTIFIED BELOW:

Name of Nonprofit Organization: THE BOARD OF TRUSTEES OF LELAND STANFORD JUNIOR UNIVERSITY

Address of Nonprofit Organization: 900 WELCH ROAD, SUITE 350, PALO ALTO, CALIFORNIA 94304-1850

TYPE OF NONPROFIT ORGANIZATION

UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION

I HEREBY DECLARE THAT THE NONPROFIT ORGANIZATION IDENTIFIED ABOVE QUALIFIES AS A NONPROFIT ORGANIZATION AS DEFINED IN 37 CFR 1.9(e) FOR PURPOSES OF PAYING REDUCED FEES TO THE UNITED STATES PATENT AND TRADEMARK OFFICE REGARDING THE INVENTION IDENTIFIED ABOVE.

I HEREBY DECLARE THAT RIGHTS UNDER CONTRACT OR LAW HAVE BEEN CONVEYED TO AND REMAIN WITH THE NONPROFIT ORGANIZATION REGARDING THE ABOVE-IDENTIFIED INVENTION.

IF THE RIGHTS HELD BY THE NONPROFIT ORGANIZATION ARE NOT EXCLUSIVE, EACH INDIVIDUAL, CONCERN OR ORGANIZATION HAVING RIGHTS IN THE INVENTION IS LISTED BELOW* AND NO RIGHTS TO THE INVENTION ARE HELD BY ANY PERSON, OTHER THAN THE INVENTOR WHO WOULD NOT QUALIFY AS AN INDEPENDENT INVENTOR UNDER 37 CFR 1.9(c) IF THAT PERSON MADE THE INVENTION, OR BY ANY CONCERN WHICH WOULD NOT QUALIFY AS A SMALL BUSINESS CONCERN UNDER 37 CFR 1.9(d) OR A NONPROFIT ORGANIZATION UNDER 37 CFR 1.9(e).

*NOTE: SEPARATE VERIFIED STATEMENTS ARE REQUIRED FROM EACH NAMED PERSON, CONCERN OR ORGANIZATION HAVING RIGHTS TO THE INVENTION AVERRING TO THEIR STATUS AS SMALL ENTITIES (37 CFR 1.27)

NAME THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

ADDRESS 300 Lakeside Drive, 22nd floor, Oakland, CA 94612

INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

NAME Ontogeny, Inc.

ADDRESS 45 Moulton Street, Cambridge, MA 02138

INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

I ACKNOWLEDGE THE DUTY TO FILE, IN THIS APPLICATION OR PATENT, NOTIFICATION OF ANY CHANGE IN STATUS RESULTING IN LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS PRIOR TO PAYING, OR AT THE TIME OF PAYING, THE EARLIEST OF THE ISSUE FEE OR ANY MAINTENANCE FEE DUE AFTER THE DATE ON WHICH STATUS AS A SMALL ENTITY IS NO LONGER APPROPRIATE. (37 CFR 1.28(b))

I HEREBY DECLARE THAT ALL STATEMENTS MADE HEREIN OF MY OWN KNOWLEDGE ARE TRUE AND THAT ALL STATEMENTS MADE ON INFORMATION AND BELIEF ARE BELIEVED TO BE TRUE; AND FURTHER THAT THESE STATEMENTS WERE MADE WITH THE KNOWLEDGE THAT WILLFUL FALSE STATEMENTS AND THE LIKE SO MADE ARE PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH, UNDER SECTION 1001 OF TITLE 18 OF THE UNITED STATES CODE, AND THAT SUCH WILLFUL FALSE STATEMENTS MAY JEOPARDIZE THE VALIDITY OF THE APPLICATION, ANY PATENT ISSUING THEREON, OR ANY PATENT TO WHICH THIS VERIFIED STATEMENT IS DIRECTED.

NAME/TITLE OF PERSON SIGNING: Mona Wan; Sr. Licensing Associate

ADDRESS OF PERSON SIGNING: Stanford University - OTL

900 Welch Road, Suite 350

Palo Alto, CA 94304

SIGNATURE Mona Wan DATE February 3, 1998



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Matthew P. Scott, Lisa V. Goodrich, Ronald L. Johnson, and Ervin Epstein, Jr.

Atty Docket No.: SUV-003.04
UC Case No. 96-337-3

Serial No.: 08/916,140

Filed: 21 August 1997

Title: PATCHED GENES AND USES RELATED THERETO

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NAME/TITLE OF PERSON SIGNING: Linda S. Stevenson, Principal Prosecution Analyst
Office of Technology Transfer

ADDRESS OF PERSON SIGNING: 300 Lakeside Dr., 22nd Fl., Oakland, CA 94612

SIGNATURE

Linda S. Stevenson

DATE

2/4/98